

## **REMARKS**

### **I. INTRODUCTION**

Favorable reconsideration of this application, in light of the present amendments and the following discussion, is respectfully requested.

### **II. STATUS OF THE CLAIMS**

By the present amendment, claims 1 and 2 are amended and claims 4-6 are added. That leaves claims 1-6 pending with claims 1 and 5 being independent. It is respectfully submitted that no new matter is added by this amendment.

### **III. SUMMARY OF THE OFFICE ACTION**

In the Office Action, the drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(4); and claims 1-3 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,348,345 to Dykema et al.

### **IV. OBJECTION TO THE DRAWINGS**

The drawings are objected to for failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character “10” designates both a joint and a recess. In response, a Replacement Drawing sheet (and Annotated Sheet) is attached herewith including corrected drawing figures. The Annotated Sheet shows that in Figure 5 reference numeral “10” is changed to reference numeral “12.”

Additionally, the specification is amended commensurate with the correction to Figure 5. In paragraph [0035], “recesses (10)” is changed to “recesses (12).”

In view of the correction to the drawings and the amendment to the specification, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

**V. THE REJECTIONS OF THE CLAIMS**

**A. Summary of Amendments and Arguments**

Independent claim 1 is amended to correct typographical and grammatical errors and to clarify that at least one metal strip and at least one recess is being recited. Dependent claim 2 is amended to delete the term “means of.” New claims 4-6 are also added. New dependent claims 4 and 6 recite a plurality of metal strips and a plurality of recesses. New independent claim 5 recites a shaft with a female and male member similar to independent claim 1 also recites that and the fastening cage surrounds the male member.

Applicant respectfully traverses the rejections over Dykema et al. In summary, Dykema et al. fails to disclose, teach, suggest or render obvious a shaft with at least one metal strip fitted between male and female members and fitted inside at least one recess of a fastening cage that is clamped to the external surface of the male member, as recited in independent claim 1. The rejection is addressed in detail below.

**B. Rejection under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a)**

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5, 348,345 to Dykema et al. Dykema et al., however, fails to teach or render obvious all of the claim limitations of independent claim 1.

Independent claim 1 recites a shaft with male and female members, at least one metal strip fitted between the male and female members and fitted inside at least one recess of a fastening cage clamped to the external surface of the male member.

Dykema et al. teaches a shaft assembly with tubular ends 34, 46 that receive solid ends 36, 46, a spring 68 and a block 78, as seen in Figs. 2 and 5. Contrary to the assertion in the Office Action, the block 78 is not the fastening cage of the claimed invention for at least a couple of reasons. First, the block 78 does not have a recess in which the spring 68 fits into, as recited in the claimed invention. Instead, the block 78 is formed by filing the spring chamber with plastic (Col. 4, lines 38-39.) Therefore, the block 78 itself of Dykema et al. does not include a recess of any kind. Second, the block 78 of Dykema et al. is not clamped to the solid ends 36, 46 (male member), as recited in the claimed invention. A clamp binds or constricts a part to hold it firmly (see for example the definition of “clamp” at [www.merriam-webster.com](http://www.merriam-webster.com) ). Block 78 of Dykema et al. merely rests in the cavities 58 of the solid ends 36, 46 as seen in Fig. 5.

Anticipation requires that every limitation of a claim must identically appear in a prior art reference. See *Gechter v. Davidson*, 43 U.S.P.Q. 2d 1030, 1032 (Fed. Cir. 1997). It is clear that the limitation of a fastening cage with at least one recess and that is clamped to the male member does not identically appear in Dykema et al. Absence from the prior art reference of any claimed element negates anticipation. See *Rowe v. Dror*, 42 U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997).

Moreover, it would not have been obvious to one of ordinary skill in the art to modify the block 78 of Dykema et al. to be the fastening cage of the claimed invention.

Therefore, Applicant request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) and 103(a).

Dependent claims 2 and 3 are also allowable for the same reasons. Moreover, those claims recite additional features not found in Dykema et al. For example, claim 2 recites that the cage is clamped to the outside of the male member by deformations. As discussed above, the block 78 of Dykema et al. is not clamped to the solid ends 36, 46 much less by deformations of the block.

## **V. NEW CLAIMS**

New dependent claim 4 depends from independent claim 1. New claim 5 is independent and new claim 6 depends from new claim 5.

New dependent claim 4 is believed to be allowable for the same reasons discussed above with regard to independent claim 1. Moreover, dependent claim 4 recites a plurality of metal strips fitted in recesses in the fastening cage. Dykema et al. in contrast discloses only a single spring 68, as seen in Figure 4 and fails to disclose a fastening cage at all much less one with recesses.

Independent claim 5 recites, among other elements, a female member, a male member, and a fastening cage wherein the fastening cage surrounds the male member. The block 78 of Dykema et al. in contrast merely rests in the cavities 58 and does not surround the solid ends 38, 46. Claim 6 is believed to be allowable for the same reasons as independent claim 5. And like claim 4, claim 6 recites a plurality of metal strips fitted in recesses in the fastening cage also not found in Dykema et al.

Therefore, Applicant submits that new claims 4-6 are also allowable over Dykema et al.

## VI. CONCLUSION

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00031). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 C.F.R. §1.36 (a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

BLANK ROME LLP

By: /Tara L. Laster/  
Tara L. Laster  
Reg. No. 46,510

600 New Hampshire Ave., N.W.  
Washington, D.C. 20037  
Telephone: (202) 772-5800  
Atty. Docket No.:  
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